

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING VARIOUS PROVISIONS OF TITLE 19 OF THE SUNNYVALE MUNICIPAL CODE, THE ZONING CODE, RELATED TO THE C-4 SERVICE COMMERCIAL DISTRICT**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 19.12.200 AMENDED. Section 19.12.200 of the Sunnyvale Municipal Code is hereby amended in its entirety to read as follows:

**19.12.200. "S"**

(1) – (3) Text unchanged]

(4) "Service commercial" means establishments engaged in providing services to individuals, businesses and organizations including legal, engineering and other professional services, as well as retail sales ancillary to a primary service use.

(5) – (24) [Text unchanged]

SECTION 2. TABLE 19.20.030 AMENDED. Table 19.20.030, part of Chapter 19.20 of the Sunnyvale Municipal Code, is hereby amended in its entirety to read as follows:

**TABLE 19.20.030**

**Permitted, Conditionally Permitted and Prohibited Uses in Commercial Zones**

In the table, the letters and symbols are defined as follows:

**P** = Permitted use

**UP** = Use permit required

**MPP** = Miscellaneous plan permit

**N** = Not permitted, prohibited

FAR = Floor Area Ratio restrictions

> = Greater than

N/A = FAR does not apply

COMMERCIAL ZONES	C-1	C-2	C-3	C-4	<u>C-4 FAR</u>
1. Retail Commercial					
A. Bakeries	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	<u>N/A</u>

<b>B.</b> Drive-through retail sales businesses, except restaurants	UP	UP	UP	<del>UP</del> N	<u>N/A</u>
<b>C.</b> Retail sales businesses	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	<del>P<sup>1</sup></del> N	<u>N/A</u>
<b>D.</b> Outside display of merchandise or products in connection with a retail sales business	MPP	MPP	MPP	<del>MPP</del> N	<u>N/A</u>
<b>2.</b> Service Commercial					
<b>A.</b> Bulk sale of building and construction materials, feed, fertilizers, soil conditioners and fuel (except motor vehicle fuel) <del>or sale of livestock and poultry</del>	N	N	N	<del>N</del> UP	<u>N/A</u>
<b>B.</b> Commercial storage	N	N	N	<del>UP</del> MPP <sup>1</sup>	<u>N/A</u>
<b>C.</b> Crafts shops such as cabinetmakers, upholsterers, taxidermists, etc.	N	N	N	<del>UP</del> MPP <sup>1</sup>	<u>N/A</u>
<b>D.</b> Custom fabricators	N	N	N	UP	<u>N/A</u>
<b>E.</b> Donation centers for used goods <sup>2</sup>	N	UP	UP	UP	<u>N/A</u>
<b>F.</b> Livestock or poultry housing or sales	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N/A</u>
<b>G.</b> Open or unenclosed storage ancillary to a permitted use (screened from public view)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N/A</u>
<b>H.</b> Outdoor storage of materials or supplies ancillary to a permitted use, not screened from public right-of-way	<u>N</u>	<u>N</u>	<u>N</u>	MPP <sup>1</sup>	<u>N/A</u>
<b>FI.</b> Printers, copiers, and engravers using chemical processes	N	N	N	<del>UP</del> MPP <sup>1</sup>	<u>N/A</u>
<b>GJ.</b> Repair shops for household appliances and apparel	P <sup>1</sup>	UP	P <sup>1</sup>	P <sup>1</sup>	<u>N/A</u>
<b>HK.</b> Retail service uses such as copiers, locksmiths, and engravers not using chemical processes	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	<u>N/A</u>
<b>HL.</b> Self storage "mini warehousing"	N	UP	UP	<del>UP</del> MPP <sup>1</sup>	<u>N/A</u>
<b>JM.</b> Trailer, automobile, boat, motorcycle and truck services and repairs	N	UP	UP	<del>UP</del> MPP <sup>1</sup>	<u>N/A</u>

<del>K. Trailer, automobile, boat, motorcycle and truck sales.</del>	N	UP	UP	UP	
3. Personal Service					
A. Child care centers with occupancy of 30 or fewer persons	MPP	UP	UP	UP	<u>N/A</u>
B. Child care centers with occupancy of 31 or more persons	UP	UP	UP	UP	<u>N/A</u>
C. Commercial schools (i.e., business, professional and dance)[will be changed to be consistent with changes made by Council regarding Places of Assembly, RTC going to Council 3/7/06]	UP	UP	P	UP	<u>N/A</u>
D. Laundry, cleaning business, self-operated laundries, and dry cleaners	UP	UP	UP	<del>UP</del> MPP <sup>1</sup>	<u>N/A</u>
E. Personal service businesses <u>not</u> otherwise specified	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	UP	<u>N/A</u>
4. Eating/Drinking Establishments					
A. Drive-through restaurants	UP	UP	N	N	<u>N/A</u>
B. Nightclubs and cocktail lounges, where alcoholic beverages are sold and consumed	UP	UP	P	<del>UP</del> N	<u>N/A</u>
C. Restaurants and fast food restaurants not serving alcoholic beverages	P	UP	UP	UP	<u>N/A</u>
D. Restaurant and fast food restaurants which serve alcoholic beverages	UP	UP	UP	UP	<u>N/A</u>
E. Take-out restaurants	P	UP	P	<del>UP</del> MPP <sup>1</sup>	<u>N/A</u>
5. Automotive					
A. Automobile service stations (Retail sales of alcoholic beverages and groceries not permitted)	UP	UP	UP	UP	<u>N/A</u>
B. Car wash facilities	N	UP	UP	UP	<u>N/A</u>
C. Automotive/Vehicle repair	N	UP	UP	UP	<u>N/A</u>
D. Automotive broker for 3 or fewer vehicles on site	N	MPP <sup>1</sup>	MPP <sup>1</sup>	MPP <sup>1</sup>	<u>N/A</u>
<del>DE.</del> New or used vehicle sales or rentals	N	UP	UP	N	<u>N/A</u>

<b>6. Entertainment/Recreation</b>					
A. Amusement and recreation enterprises[will be changed to be consistent with changes made by Council regarding Places of Assembly, RTC going to Council 3/7/06]	UP	UP	P	N	<u>N/A</u>
B. Cardrooms	N	N	N	N	<u>N/A</u>
C. Entertainment establishments	UP	UP	UP	N	<u>N/A</u>
D. Lodge halls, fraternal and social associations[will be changed to be consistent with changes made by Council regarding Places of Assembly, RTC going to Council 3/7/06]	UP	UP	P	UP	<u>N/A</u>
<b>7. Office</b>					
A. Office: Administrative, professional and medical offices (except ground floor)	P	UP	P	UP	
B. Office: ground floor administrative, professional and medical (ground floor dependent; not to exceed 100 square feet per shopping center)	P	MPP	P	MPP	
C. Office: ground floor administrative, professional and medical (not ground floor dependent or in excess of 1000 square feet per shopping center)	MPP	MPP	MPP	MPP	
<u>A. Ground floor dependent office, less than 1,000 square feet.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>MPP</u>	<u>N/A</u>
<u>B. Ground floor dependent office, greater than 1,000 square feet.</u>	<u>MPP</u>	<u>MPP</u>	<u>MPP</u>	<u>UP</u>	<u>N/A</u>
<u>C. Office, not located on the ground floor.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N/A</u>
D. Financial institutions	MPP	UP	MPP	UP	<u>N/A</u>
<u>E. Research and development office</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N/A</u>
<b>8. Public Facilities</b>					
A. Bus terminals and other public transportation facilities	UP	UP	UP	UP	<u>N/A</u>

<b>B.</b> Public utility buildings and service facilities	UP	UP	UP	UP	<u>N/A</u>
<b>9. Residential/Boarding/Lodging</b>					
<b>A.</b> Hotel or motel	N	UP	UP	N	<u>N/A</u>
<b>B.</b> Residential uses	UP	UP	UP	<u>UP N<sup>5</sup></u>	<u>N/A</u>
<b>C.</b> Single room occupancy living facilities	N	UP	UP	<u>UP N</u>	<u>N/A</u>
<b>D.</b> Single room occupancy residential hotels	N	UP	UP	<u>UP N</u>	<u>N/A</u>
<b>10. Other</b>					
<b>A.</b> Any use which is obnoxious, offensive or creates a nuisance	N	N	N	N	<u>N/A</u>
<b>B.</b> Adult business establishments	N	N	N	N	<u>N/A</u>
<b>C.</b> Assembly, compounding, manufacture or processing of merchandise or products are customarily incidental or essential to permitted retail commercial and service uses	N	N	N	UP	<u>N/A</u>
<b>D.</b> Massage establishments <sup>3</sup>	P	P	P	P	<u>N/A</u>
<b>E.</b> Recycling centers	UP	UP	UP	UP	<u>N/A</u>
<b>F.</b> Sale or rental of motor vehicles of all kinds (except utility trailer rentals as an accessory use for an established business)	N	UP	N	UP	
<b>GF.</b> Sale or rental of <u>utility trailers</u> , heavy equipment or machinery	N	N	N	UP	<u>N/A</u>
<b>HG.</b> Storage or parking of commercial, industrial or public utility vehicles	N <sup>4</sup>	N <sup>4</sup>	N <sup>4</sup>	N <sup>4</sup>	<u>N/A</u>
<b>IH.</b> Wholesale storage or warehousing of merchandise or products within a building or premises	N	N	N	<u>UPP</u> <u>UP</u>	<u>To 35%</u> <u>&gt;35%</u>
<b>I.</b> <u>Facilities for storage of recreational vehicles</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>MPP</u>	<u>N/A</u>
<b>J.</b> <u>Animal hospitals and clinics</u>	<u>UP</u>	<u>UP</u>	<u>UP</u>	<u>UP</u>	<u>N/A</u>
<b>J.</b> Storage or parking of commercial, industrial or public utility vehicles	N	N	N	N	

1 Uses which are greater than 10,000 square feet, propose significant changes to the exterior of an existing building, or include construction of a new building require a Conditional-Use Permit approval.

2 Donation centers shall have a minimum separation of 1.5 miles.

3 Subject to provisions of Chapter 9.41.

4 Except that daytime and overnight parking of up to five commercial motor vehicles (of a type that are less than 10,000 pounds in gross vehicle weight with not more than two axles) that are owned or operated by the person(s), company or business which conducts the primary use is permitted, provided the vehicles are used for purposes of delivery, pick up or service to patrons of the primary use only, do not utilize on-site required parking and are not utilized for purposes of advertising.

5 Except caretaker residence ancillary to a permitted use.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 4. CEQA – NEGATIVE DECLARATION. The City Council hereby determines that the Negative Declaration prepared for this ordinance has been completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City, and finds that adoption of the ordinance will have no significant negative impact on the area's resources, cumulative or otherwise. The Director of Community Development shall file a Notice of Determination with the County Clerk pursuant to CEQA guidelines.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in an adjudicated newspaper of general circulation in the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held \_\_\_\_\_, 2006,  
and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council  
held on \_\_\_\_\_, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor